

# Court of Appeals, State of Michigan

## ORDER

In re Est of Michael Gurniak

Docket No. 277537

LC No. 05-053341-DE

Richard A. Bandstra  
Presiding Judge

Michael J. Talbot

Bill Schuette  
Judges

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Pursuant to MCR 7.216(C), the Court determines that the instant appeal constitutes a vexatious proceeding. The motion for sanctions is GRANTED. This matter is REMANDED to the trial court for a determination of actual damages incurred by respondent-appellee while defending this appeal, which includes costs and a reasonable attorney fee. MCR 7.216(C)(2). We do not retain jurisdiction.

Schuette, J. would deny the motion for sanctions.



A true copy entered and certified by Sandra Schultz Mengel, Chief Clerk, on

JUL 31 2008

Date

*Sandra Schultz Mengel*  
Chief Clerk